

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.19482 of 2015**

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Vijay Kumar @ Vijay Kumar Singh, son of Sri Lal Bahadur Singh, resident of village & P.O.-Nariyar, Police Station-Saharsa (Town), District- Saharsa.

.... .... Petitioner

Versus

1. The North Bihar Power Distribution Company Ltd. Patna, through its Managing Director.
2. The Managing Director, North Bihar Power Distribution Company Ltd., Patna
3. The Chief Engineer (Commercial), North Bihar Power Distribution Company Ltd., Patna.
4. The Chairman, Bihar State Electricity Board, Patna.
5. The General Manager-cum-Chief Engineer, Bihar State Electricity Board, Koshi Area, Saharsa.
6. The Superintending Engineer, Bihar State Electricity Board, Electricity Circle, Saharsa.
7. The Accounts Officer, Bihar State Electricity Board, Electricity Supply Circle, Saharsa.
8. The Assistant Electrical Engineer, Electric Supply Subdivision, Saharsa.
9. The Junior Electrical Engineer, Electric Supply Section, Saharsa West (Urban).

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Satya Prakash, Adv.  
For the Respondents : Mr. Anand Kumar Ojha, Adv.  
Mr. Ashok Karna, Adv.

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 18-08-2017**

Heard learned counsel for the petitioner and learned counsel for the North Bihar Power Distribution Company Limited.

**2.** In this case, the petitioner is challenging the order dated 07.05.2013 (Annexure-14) passed by the Chief Engineer



(Commercial), North Bihar Power Distribution Company Limited, Patna, whereby and where-under he has rejected the claim of the petitioner for payment of commission.

**3.** It has been claimed by the petitioner he was appointed, franchisee was given work, accordingly, he carried out the work, but the payment has not been made on the ground of non-establishment of system meter. Earlier, the petitioner has moved before this Court in C.W.J.C. No.17576 of 2012 and this Court vide order dated 19.09.2012 disposed of the said writ petition with a direction to the respondents to take decision in accordance with law. Whereupon, the order under challenge has been passed.

**4.** Learned counsel for the petitioner submits that he has made an application before the Superintending Engineer, wherein he has given some examples that certain franchises have been paid their commission even in those matters the system meters were not established.

**5.** The order itself shows that the Chief Engineer (Commercial), North Bihar Power Distribution Company Limited, Patna has not applied his mind in passing the order. The decision of either quasi judicial authority or administrative body must reflect his



application of mind. Reliance can be placed on the decision of the Hon'ble Supreme Court reported in *Chairman and Managing Director, United Commercial Bank vs. P.C. Kakkar*, reported in (2003) 4 SCC 364, wherein the Hon'ble Supreme Court has elaborately dealt with the value of the reasoned order.

6. In such view of the matter, the order dated 07.05.2013 (Annexure-14) passed by the Chief Engineer (Commercial), North Bihar Power Distribution Company Limited, Patna is set aside. The matter is remanded back to the Chief Engineer (Commercial), North Bihar Power Distribution Company Limited, Patna for passing a fresh order taking into considering the application which the petitioner has filed before the Superintending Engineer, wherein he has given some examples relating to payment of commission to other franchisee.

7. For convenience, the petitioner is directed to file a detailed representation, attaching a copy of this order and annexing the document in support of his claim. If such a representation is filed, the Chief Engineer (Commercial), North Bihar Power Distribution Company Limited, Patna will look into the claim of the petitioner and take decision in accordance with law within a period of three months from the date of filing of representation by the



petitioner.

8. It is clarified that this Court is not giving any opinion on the merit of the case, but it is well known there should not be any unreasonable and arbitrary decision, which may lead to discrimination between the parties.

9. With the aforesaid observations and directions, this writ application is disposed of.

**(Shivaji Pandey, J)**

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| AFR/NAFR          | N.A.F.R.   |
| CAV DATE          | N/A.       |
| Uploading Date    | 26.08.2017 |
| Transmission Date | N/A.       |

